

TEARS Foundation and the Crime Victims Compensation Program

By Sharon Palko, Board Staff

The Funeral and Cemetery Board has disciplined funeral establishments for fraudulent billings to The TEARS Foundation (TEARS) and Crime Victims Compensation Program. The funeral establishments have asserted they provide services for babies and/or victims of violent crime for free, but then bill TEARS or Crime Victims Compensation. If you represent that your services are free, that means you don't charge anything regardless of who may pay the bill.

TEARS administers three different funds to assist with final expenses for families who qualify. These funds are a funeral assistance program, the Charlie & Braden Project, and Jesse's Grant Marker program. TEARS is a nonprofit foundation that relies on donations and community support. Funds are limited, so the more money they pay out the fewer families they can help.

Funeral homes must be pre-approved by the TEARS Foundation prior to offering services covered by TEARS. TEARS is the payer of last resort, meaning all other means of providing funds must be exhausted first. They can provide up to \$500.00 for funeral expenses for families who have lost a child. TEARS requires that a funeral provider submit a fully itemized statement of goods & services, an application for services, and a copy of the death certificate or fetal death certificate worksheet.

For more information go to TEARS website: <http://www.thetearsfoundation.org>.

The Crime Victims Compensation Program (CVCP) can assist with the funeral expenses of victims of violent crimes. The maximum payment for funeral costs is \$5,750.00. Funeral expenses include such costs as burial, cremation, cemetery plot, headstone, and funeral service.

CVCP is the payer of last resort, meaning all other means of providing funds must be exhausted first. CVCP requires a legible itemized statement of goods and services or contract signed by a member of the victim's family and a copy of the death certificate.

For more information go to the CVCP website at: <http://www.lni.wa.gov/ClaimsIns/CrimeVictims>.

2015 Board Meeting Schedule

Meeting agendas and minutes will be published on our [website](#) as they become available.

May 5	ESD113/Capital Event Center, Tumwater
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August 4	ESD113/Capital Event Center, Tumwater
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November 3	ESD113/Capital Event Center, Tumwater
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2016 meeting dates will be set at the November meeting

Meeting minutes are available on our [website](#), or attend the meetings in person to hear the complete discussions and earn continuing education credit.

Funeral & Cemetery Board Members

Ronald Messenger, Chair – cemetery member, Spokane
James Letson, Vice Chair – cemetery member, Edmonds
Jeffrey Wilson – funeral/embalmer member, East Wenatchee
Todd Shifflett – funeral/embalmer member, Olympia
Pete Cameron – funeral/embalmer member, Marysville
Charles Chaplin – public member, Normandy Park
Vacant – cemetery member

If a funeral home represents services are free or a reduced cost, the statement of goods and services must reflect that.

If the total charges are over the amount that these organizations will pay, you may choose to write off any of the remaining amount and retain the documentation for income tax purposes

THIS DOES NOT HAVE TO HAPPEN TO YOU!

By Sharon Palko, Board Staff and Pete Cameron, Board Member

A complaint was filed with the Funeral and Cemetery Board because cremated remains of one individual had been divided amongst family members. The person with the right to control disposition per RCW 68.50.160 made a complaint that the funeral home had violated their wishes regarding to whom the cremated remains were delivered. Sadly, this situation could have been prevented by having the specific wishes written down rather than relying on a verbal agreement.

Although Washington State law does not require cremation and disposition authorizations be in writing it may be in your best interest to do so. Consider creating a cremation and distribution of cremated remains authorization form. A cremated remains disposition form can describe who gets cremated remains, how much and how they are to receive them. Consider adding a full description of the urn(s)/keepsakes and the cremation container/casket on the form. Then have the person(s) with the right to control disposition sign it along with the statement of goods and services.

You may also want to consider stating on your form that if they don't come back in to pick up the cremated remains within a specified period of time, the cremated remains will be mailed to whomever they designate on the form thus totally eliminating long-term storage/abandoned cremated remains issues. If you look up "Cremation Authorization Forms" on the internet, you will find numerous great examples to help you avoid "he-said/she-said" situations and trying to interpret the oral instructions of the next of kin.

Even if this scenario happens, you won't waste a lot of time trying to defend your establishment and directors against these types of complaints.

Licensee News

Congratulations! The Funeral and Cemetery Board and staff welcomed new licensees to the professions between November 1, 2014 and March 15, 2015.

Funeral Directors

Jack Bailey
Gretel Bohn
Michael Call
Cassandra Englert
Rachel Ernst
Heidi Hansen
Seth Hinnen
Natalie Kenan
Madison Muschamp
Angelica Napoli
Lisa Rosewall
Theresa Sullivan

Embalmers

Katrina Mitchell
Nikole Mitchell

Embalmer Interns

Joseph Appleby
Emily Hoppe
Melviin Keel
Jason Long
Seth Schoonover

Funeral Establishments

Universal Funeral Home
Luray Mortuary Services
Pike & Sanford Funeral Directors

Funeral Director & Embalmer

Alexandra Tippery
Nathan Westbrook

Funeral Director & Embalmer Interns

Lindsay Dewees
Adam Ellis
Zachary Farncomb
Katey Houston
Donna McClendon
Samantha Miner
Paul Turner

Funeral Director Interns

Susan Bertsch
Richard Carlson
Maite Higgins
Carolos Sherrod
Susan Sherwin
Alexandra Tippiery
Ashley Topacio

Prearrangement Sales Licenses

McComb & Wagner Family Funeral
Home and Crematory

Cemetery

Herland Forest Cemetery

Regulatory Activity

The Funeral and Cemetery board staff protects the public's health, safety and welfare through 3 primary activities: audits of trust funds and pre-arrangement contracts, inspections of funeral establishments and crematories, and investigations of complaints. Between November 16, 2014 and March 15, 2015, staff completed 101 inspections, 15 prearrangement contract examinations, and 5 cemetery trust examinations.

<u>Upcoming Events</u>	
<u>Date</u>	<u>Event</u>
April 22, 2015	Dodge Days 2015; Gresham, OR

Complaints and Disciplinary Activity

The Funeral and Cemetery Board regulates the industry by investigating complaints of unprofessional conduct, negligence and incompetence against licensees, and issues of unlicensed practice. When a complaint is received by the board, an initial investigation is started to gather information about the situation, and usually involves contact with the subject of the complaint (the respondent). A board member is assigned as a case manager and serves as the technical expert. The investigation process can be lengthy and the case has several possible outcomes. The case may be closed by the board with no further action if not enough evidence is found to support the complaint. For more serious issues, the board may issue a statement of charges against the respondent, with sanctions for each offense. The respondent has an opportunity for a settlement conference to negotiate the sanctions or can ask for a hearing before the board. To see details of past and current disciplinary orders, visit our [website](#).

<u>Open complaint cases</u>	
Funeral	41
Cemetery	5

The board closed 17 complaint cases at the February 3, 2015 board meeting:

Case number	Allegation	Board Action
2014-01-2601-00FDE	Unprofessional conduct	The complaint alleged a licensee communicated to a consumer there would be a charge for a brief identification viewing prior to cremation. Additionally, the complaint alleged there was a lengthy delay in performing the cremation and the whereabouts of the deceased were unknown during the delay. An investigation found no evidence of violation of law or rule and the board closed the case with no further action.
2014-07-2600-00FDE	Unprofessional conduct	The complaint alleged unauthorized removal of human remains and failure to communicate with the decedent's family. The case manager found the complaint to be a matter of miscommunication and there was no violation of law or rule. The board closed the case with no further action.
2014-09-2400-00CEM	Unprofessional conduct	The complaint alleged the complainant purchased cemetery lots and they were not where they originally thought they were located. The case manager found no violation of law or rule and the board closed the case with no further action.

2014-09-2602-00FDE	Unprofessional conduct	The complaint alleged the respondent became overly aggressive and delayed the release of remains to the authorized funeral home, causing a delay in the scheduling of funeral services. No evidence was found to support either allegation, and the board closed the case with no further action.
2014-09-2606-00FDE	Unprofessional conduct	The complaint alleged a funeral home mailed portions of cremated remains to another person other than to whom they were verbally instructed to send the remains. An investigation found no written instructions signed by the complainant stating where portions of the cremated remains were to be sent. The funeral home followed verbal instructions, well documented, by the complainant. The case manager found no violation of law or rule and the board closed the case with no further action.
2014-09-2607-00FDE	Unprofessional conduct	The complaint alleged predatory preneed sales by a licensee. The board closed the case with no further action because there was no evidence of a violation.
2014-04-2400-00CEM	Unprofessional conduct	The complaint alleged there was a lack of care to a cemetery. Upon investigation, the cemetery was found to no longer be in operation and the board closed the case with no further action.
2014-05-2400-00CEM	Unprofessional conduct	The complaint alleged a licensee failed to submit timely annual reports on prearrangement and endowment care funds as required by rule, failed to communicate with the Department of Licensing on a request for an extension or the circumstances preventing the timely filing of the reports, and failure to pay fines assessed due to the violations. An investigation found the licensee to be a very small cemetery that had undergone changes in personnel leading to misunderstandings of reporting requirements. After receiving clarification from the Department of Licensing, the respondent complied and the board closed the case with no further action.
2014-07-2401-00CEM	Unprofessional conduct	The complaint alleged the respondent failed to deliver a marker as ordered and paid for and replace an unacceptable vault lid used at the time of burial. The board closed the case with no further action because the cemetery is no longer in operation.
2014-07-2402-00CEM	Unprofessional conduct	The complaint alleged the respondent failed to deliver a marker as ordered and paid for. The board closed the case with no further action because the cemetery is no longer in business.
2014-08-2403-00CEM	Unprofessional conduct	The complaint alleged the respondent failed to respond to or abide by previous action brought by the authority of the Funeral & Cemetery Board when they failed to respond to a Notice of Default. The board closed the case with no further action because the cemetery is no longer in operation.
2014-11-2400-00CEM	Unprofessional conduct	The complainant was dissatisfied with the length of time it took to order and place a marker as well as complete repairs to a broken vase. An investigator contacted the complainant and found the issues had been resolved and the complainant asked to withdraw the complaint. The board closed the case with no further action.
2014-05-2401-00CEM	Unprofessional conduct	The complaint alleged the respondent provided information to a consumer about 3 rd party marker base installation that was thought to be inconsistent with the respondent's own rules and regulations. An investigation found the board lacked jurisdiction over the matter and the board closed the case with no further action.

2014-09-2402-00CEM	Unprofessional conduct	The complaint alleged failure to issue a refund on a prearrangement partial payment. An investigation found the amount of the payment did not exceed the amount legally able to be retained by a cemetery so there was no violation of law or rule. The board closed the case with no further action.
2014-09-2600-00FDE	Unprofessional conduct	The complaint alleged the theft of company documents and extortion by an employee of the complainant. The case manager found no violation of law or rule in the case of the theft and the extortion allegation was found to be outside the board's jurisdiction. The board closed the case with no further action.
2014-12-2600-00FDE	Unprofessional conduct	The complaint alleged misrepresentation against a prearrangement advisor. An investigation found a lack of understanding by the complainant led to the impression the respondent worked for the State of Washington instead of a funeral home. The complainant alleged the respondent was attempting to take advantage of an individual with a developmental disability. The case manager found no evidence of a violation of law or rule and the board closed the case with no further action.
2014-09-2601-00FDE	Unprofessional conduct	The complainant alleged they were preyed upon while in a vulnerable state after being quoted high prices. The case manager found no violation of law or rule and pricing policies are not under the jurisdiction of the board. The board closed the case with no further action.

The board heard 5 disciplinary orders at the February 3, 2015 meeting:

Case Number	Respondent	Board Action
2012-10-2601-00FDE	Dayspring & Fitch Funeral Home & Morya A. Fitch, Funeral Director	<p>The respondent, a licensee, was found to have sold funeral prearrangements without a prearrangement funeral services contract license, signed blank death certificates for employee use, permitted an employee to assist with embalming without a valid embalmer intern license, and allowed employees to make funeral arrangements without valid funeral director licenses.</p> <p>The board accepted an agreed order in the matter of unprofessional conduct, suspending the funeral director license of Mr. Fitch for one year (suspension stayed provided the respondent does not violate any further laws or rules governing funeral practice for a period of three years), assessing the respondent a fine of \$5,000, and issuing a reprimand.</p>
2012-10-2601-03FDE	Zane K. Fitch, Funeral Director	The board found the proposed sanctions to be unacceptable. Mr. Messenger asked board staff to contact the respondent to resume settlement negotiations.
2012-01-2600-03FDE	Walter Williams, Funeral Director	<p>The respondent, a licensee, was found to have been the sponsor of Ms. Cindy Figueroa, when Ms. Figueroa was found to have operated without a valid license and billed the Washington State Department of Labor & Industries Crime Victim's Compensation Fund for funeral arrangements offered free of charge.</p> <p>The board accepted an agreed order in the matter of unprofessional</p>

2012-01-2600-03FDE Continued...	Walter Williams, Funeral Director	conduct, suspending the funeral director license of Mr. Williams for one year (suspension stayed provided the respondent completes a written summary of the laws and rules pertaining to unprofessional conduct and the funeral profession within 90 days and doesn't violate any further laws or rules governing funeral practice for a period of one year) and assessing the respondent a fine of \$3,000.
2013-02-2600-01FDE	Sunrise Cremation Society, Funeral Establishment & Walter Williams, Funeral Director	<p>The respondent, a licensee, was found to have been the sponsor of Mr. Julius Collins, when Mr. Collins was found to have violated the Federal Trade Commission's price list requirements, made unprofessional comments to a client, and delayed the delivery of cremated remains to a decedent's family.</p> <p>The board accepted an agreed order in the matter of unprofessional conduct. The order suspends the funeral establishment license of Sunrise Cremation Society for five years (suspension stayed provided the respondent doesn't violate any further laws or rules governing funeral practice for a period of five years) and assesses Sunrise Cremation Society a fine of \$8,000. The order suspends the funeral director license of Mr. Williams for five years (suspension stayed provided the respondent doesn't violate any further laws or rules governing funeral practice for a period of five years) and assesses Mr. Williams a fine of \$2,000.</p>
2013-02-2600-02FDE	Julius Collins, Funeral Director Intern	<p>The respondent, a licensee, was found to have violated the Federal Trade Commission's price list requirements, made unprofessional comments to a client, and delayed the delivery of cremated remains to a decedent's family.</p> <p>The board accepted an agreed order in the matter of unprofessional conduct. The order suspends the funeral director intern license of Mr. Collins for five years (suspension stayed provided the respondent doesn't violate any further laws or rules governing funeral practice for a period of five years) and assesses a fine of \$2,000.</p>

Funeral & Cemetery Board		Washington State Department of Licensing
Mailing address: PO Box 9012 • Olympia, WA 98507-9012 Phone: (360) 664-1555	Street address: 405 Black Lake Blvd. • Olympia, WA 98502 Fax: (360) 570-7098	E-Mail: funerals@dol.wa.gov Web site: www.dol.wa.gov/business/funeralcemetery

Skip a trip – go online: www.dol.wa.gov

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